

REMARKS

Reconsideration of this application in light of the following remarks is respectfully requested.

In the Official Action, the Examiner rejects claims 1-24¹ under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,119,229 to Martinez et al. (hereinafter "Martinez") in view of U.S. Patent No. 6,154,738 to Call (hereinafter "Call") and further in view of Prince, "Online Auctions at eBay" (c) 21 April 1999 (hereinafter "Prince").

In response, Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 103(a) for at least the reasons set forth below.

In the Official Action, the Examiner argues that Martinez discloses only allowing registered users to log on to a system and admits that the same does not disclose a "registration requesting function", "registration function" and the "wherein" clause recited in claim 1 (among other features) and having similar recitations in claims 10, 19, and 20. The Examiner argues that such features are shown in Call and/or Martinez. However, the Examiner does not specifically indicate where such teachings are shown in Call and/or Martinez.

In this regard, the Examiner includes an "Examiner's Note" on page 3 of the Official Action indicating that the Examiner has pointed out particular references contained in the prior art and that although such references are representative of the teachings of the art, other passages and figures may apply. The Examiner then reminds Applicants that the entire reference should be considered as potentially teaching the claimed invention.

¹ Although the Official Action rejects claims 1-20, Applicants have proceeded as if claims 21-24 are also rejected due to the first paragraph at page 7 of the Official Action.

Applicants respectfully submit that the “registration requesting function”, “registration function” and the “wherein” clause recited in claim 1 (among other features) and having similar recitations in claims 10, 19, and 20 are not taught or suggested in the entirety of the cited references. Furthermore, the Examiner has not pointed out a specific teaching of such features in the references as is suggested by MPEP 706.02(j). Therefore, Applicants submit that the Examiner has not met his *prima facie* burden of establishing obviousness (MPEP 2142, 2143, and 2143.03). MPEP 2142 recites in relevant part:

...The examiner bears the initial burden of **factually supporting** any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.... (Emphasis Added).

MPEP 2143 recites in relevant part:

To establish a *prima facie* case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Since the Examiner has not identified where the features are disclosed in the cited references, Applicants submit that the Examiner has not met his burden of **factually supporting** a *prima facie* conclusion of obviousness as is required by MPEP 2142.

Furthermore, Applicants respectfully submit that the entirety of the references do not disclose the features discussed above.

Therefore, Applicants respectfully request that the Examiner specifically identify where the features of the claims are disclosed in the cited references or withdraw the rejection based on such references.

Furthermore, the Examiner argues that “it would have been obvious to one of ordinary skill in the art at the time of invention to combine Call/Martinez with Price use of a registration and log on system to restrict the viewing of product information to only authenticated and permitted users because the system provides added security to the reregistered buyers and sellers of the e-commerce system.”

However, the present application is not directed to such an objective. An objective of the present application is to find prospective potential buyers for a specific product and acquire their user data. For this purpose, in the present application, disclosure levels (at least summary information and detailed information) are differentiated (the detailed information is accessible only by registered users). Therefore, a viewer of summary information who wants more detailed information will be guided to registration, which requires input of user data. Therefore, user data, which is useful for sales activity, is automatically gathered.

Such an objective is not disclosed, suggested, or contemplated by the prior art, including the references cited by the Examiner.

Previously, a process of finding prospective customers was performed by analyzing sales records. This previous method was based on the assumption that a person who once bought a product is likely to buy a similar product again. However, such logic is flawed because it also can be said that a person who already possesses the product may not buy the similar product again because he/she no longer has a need for the product. Therefore, the previous methods may not be useful in finding the buyer.

Therefore, the invention as recited in claims 1, 10, 19, and 20 teaches method/apparatus to find prospective customers, which is totally different from the method/apparatus of the prior art, including the references cited by the Examiner.

For at least these reasons, Applicants submit that there is no motivation or suggestion in the references themselves to combine the teachings of the references to defeat the patentability of the claimed invention. Furthermore, the Examiner has made no showing identifying the level of skill in the art at the time of the invention or a recognition of the problem addressed by the present invention.

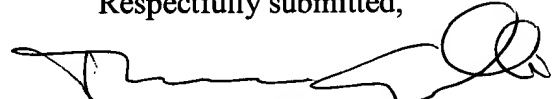
Therefore, the rejection of claims 1-24 under 35 U.S.C. § 103(a) is improper and must be withdrawn.

In summary, Applicants respectfully submit that (1) all of the features of the claims are not shown in the combination of the cited references and (2) assuming *arguendo* that all of the features of the claims are shown in the references (which they are not), there is no motivation or suggestion to combine the references, therefore such combination is improper.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas Spinelli', with a large circular flourish at the end.

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